FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE

CRIMINAL APPLICATION NO.2188 OF 2006

Mr.Neil Kevin Nazareth ..Applicant

Versus

The State of Maharashtra ..Respondent

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

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Mr.Sanjeev P.Kadam for the applicant.

Mr.S.S.Pednekar APP for the State.

Coram : R.S.Mohite,J

Date : 13.6.2006.

PC

1. The applicant filed this application for grant of anticipatory bail. He is shown as an accused in C.R.No.167/2006 registered by the Byculla police station for alleged offence punishable under Section 376 of IPC. On perusal of the FIR it is seen that the Complainant Sunita was a married lady with 2 children from her husband. Her husband was addicted to liquor

and therefore, used to quarrel with her. She was therefore, compelled to work as a servant. One of the homes in which she was working was the home of the present applicant. She narrated in the complaint that the applicant had intercourse with her without her consent in the year 1995. She did not disclose about this incident to anybody at that time. She claims that in the year 1996 the brother of the applicant by name George also had intercourse with her. Thereafter complainant goes on to narrate what happened in the years 1997 & 1998 till 2006. The applicant is also said to have promised to marry with her. FIR disclosed that the complaint is lodged by the applicant in the year 2006 i.e. 11 years after the first alleged incident of rape. The complaint narrates that the husband of the complainant also knew about her relationship with the applicant and had informed the applicant

that if he wanted to have an affair with the complainant, he should take her away. This incident occured in September-1999. On the next date the applicant is said to have booked one room in Badlapur and suggested that they would both stay there. All these incidents mentioned in the complaint indicates that the question as to whether consent was given will have some importance in the trial. Apart from this in my view, the investigation can proceed without custodial interrogation. APP states that medical test of the accused is yet to be conducted. In my view there is no impediment in conducting such test and Advocate for the applicant states that he will attend the police station. In the circumstances, it is directed that in the event of arrest, the applicant be released on bail in the sum of Rs.20,000/- with one surety in

the like amount subject to the condition that he will report to the concerned investigating officer every Monday between 6.00 P.M. to 7.00 P.M. at Byculla police station till the chargesheet is filed. Application stands disposed of.

(R.S.Mohite,J)